IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 101 of 2002
with
Civil Application No. 1637 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

ELITE CONSTRUCTION CO.
Versus
SURAT MUNICIPAL CORPORATION

Appearance:
1. Appeal from Order No. 101 of 2002
MR RD DAVE for appellant
MR PRASHANT G DESAI for Respondent No. 1
RULE NOT RECD BACK for Respondent No. 2
RULE SERVED BY DS for Respondent No. 3-4

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 01/05/2002

ORAL JUDGEMENT

1. Mr. R.D. Dave, learned advocate for the appellant, states that pursuant to the order dated

February 26, 2002 recorded in CA No.1637 of 2002 in AO No.101 of 2002, by this Court (Coram: H.H. Mehta, J.), directing the learned District Judge, Surat, to decide Misc. Civil Application No. 125 of 2000, he has passed final judgment and order dated April 23, 2002 in that application dismissing the same. Therefore, in view of the final decision of the Misc. Civil Application No.125 of 2000, this AO would not survive now. He therefore urges that appropriate order disposing of the AO may be passed.

2. Mr. Prashant Desai, learned advocate who appears on behalf of respondent No.1 has no objection if appropriate order is passed in view of the statement made by Mr. Dave, learned advocate for the appellant.

3. In view of the aforesaid state of affairs, now this AO does not survive and hence the same is disposed of with no order as to costs.

4. In view of the disposal of the AO, the CA which is filed for stay of the impugned order now does not survive and hence the same also stands disposed of with no order as to costs. Notice is discharged. Interim relief, if any, shall stand vacated.

(A.M. Kapadia, J.)

(karan)